

Applicant: Robert J. Peach, et al.
U.S. Serial No: 09/865,321
Filed: May 23, 2001
Page: 2

REMARKS

This Amendment is the second Amendment submitted in connection with this application. The first Preliminary Amendment was submitted on November 22, 2002, canceling claims 1-66 and adding new claims 67-96. Claims 67-96 are pending and have not been examined as of the date of this Preliminary Amendment.

Amendments to the Specification

The amendment made at page 1, lines 2-5 merely corrects the continuing data of the specification as requested by the U.S. Patent and Trademark Office.

This Amendment is being submitted concurrently with a Request for Corrected Filing Receipt. Applicants first requested a corrected filing receipt on December 4, 2002. The Patent Office issued a "Response to Request for Corrected Filing Receipt", date mailed December 26, 2002. In the December 26 Response, the U.S. Patent Office advises Applicants that a corrected filing receipt cannot be issued until Applicants provide the relationship of the subject application to the applications to which priority is claimed. Accordingly, Applicants provide the relationship as part of this Amendment.

In the originally-filed subject application, Applicants claimed the priority of U.S. Serial Nos. 09/579,927, filed May 26, 2000, and 60/214,065, filed June 26, 2000. A photocopy of page 1 from the originally-filed subject application is provided as Exhibit A.

On March 12, 2001, Applicants submitted a Petition to convert U.S. Serial No. 09/579,927 to a provisional application under 37 C.F.R. §1.53(c)(2). A photocopy of the Petition is provided as Exhibit B.

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On May 31, 2001, the U.S. Patent Office granted the Petition and issued 09/579,927 a new serial number (Exhibit C).

Accordingly, U.S. Serial No. 09/579,927 is now a provisional application assigned U.S. Serial No. 60/287,576, having a filing date of May 26, 2000.

These changes do not involve new matter. Entry of these changes is requested.

No fee is deemed necessary in connection with the filing of this Request for Corrected Filing Receipt. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-0306.

Pages entitled "Version with Markings to Show Changes in the Specification" are attached hereto to show the changes made to the application according to this Amendment.

Respectfully submitted,



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Applicant: Robert J. Peach, et al.
U.S. Serial No: 09/865,321
Filed: May 23, 2001
Page: 4

VERSION WITH MARKINGS TO SHOW CHANGES IN THE SPECIFICATION

Please amend the paragraph beginning at page 1, line 2-5, to read as follows.

-- This application claims the priority of U.S. Serial No. 60/287,576, filed May 26, 2000,
(formerly U.S. Serial No. 09/579,927) and U.S. Serial No. 60/214,065, filed June 26,
2000. [benefit of the filing dates of U.S. Serial Nos. 09/579,927 (U.S. Provisional
Application Serial No. to be assigned), filed May 26, 2000; and 60/214,065 filed June 26,
2000.] The contents of all of the foregoing applications in their entireties are
incorporated by reference into the present application. --

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert J. Peach, et al.	Examiner:	Eliane Lazar-Wesley, Ph.D.
Serial No.:	09/579,927	Group Art Unit:	1633
Filed:	May 26, 2000		
Title:	SOLUBLE CTLA4 MUTANT MOLECULES AND USES THEREOF		

35 N. Arroyo Pkwy.
Suite 60
Pasadena, California 91103
March 12, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

**PETITION REQUESTING CONVERSION TO A PROVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(c)(2)**

Applicants hereby request conversion of the subject application originally filed under 37 C.F.R. §1.53(b) on May 26, 2000. The fee for this Petition, as set forth in 37 C.F.R. §1.17(q), is \$50.00, and a check for \$50.00 is enclosed herewith.

Respectfully submitted,

Sarah B. Adriano

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SOLUBLE CTLA4 MUTANT MOLECULES AND USES THEREOF

This application claims the benefit of the filing dates of U.S. Serial Nos. 09/579,927 (U.S. Provisional Application Serial No. to be assigned), filed May 26, 2000; and 60/214,065 filed June 26, 2000. The contents of all of the foregoing applications in their
5 entireties are incorporated by reference into the present application.

Throughout this application various publications are referenced. The disclosures of these publications in their entireties are hereby incorporated by reference into this application in order to more fully describe the state of the art to which this invention pertains.

FIELD OF THE INVENTION

10 The present invention relates to the field of soluble CTLA4 molecules that are mutated from wild type CTLA4 to retain the ability to bind CD80 and/or CD86.

BACKGROUND OF THE INVENTION

Antigen-nonspecific intercellular interactions between T-lymphocytes and antigen-presenting cells (APCs) generate T cell costimulatory signals that generate T cell
15 responses to antigen (Jenkins and Johnson (1993) Curr. Opin. Immunol. 5:361-367). Costimulatory signals determine the magnitude of a T cell response to antigen, and whether this response activates or inactivates subsequent responses to antigen (Mueller et al. (1989) Annu. Rev. Immunol. 7: 445-480).

T cell activation in the absence of costimulation results in an aborted or anergic T cell
20 response (Schwartz, R.H. (1992) Cell 71:1065-1068). One key costimulatory signal is provided by interaction of the T cell surface receptor CD28 with B7 related molecules on antigen presenting cells (e.g., also known as B7-1 and B7-2, or CD80 and CD86, respectively) (P. Linsley and J. Ledbetter (1993) Annu. Rev. Immunol. 11:191-212).

The molecule now known as CD80 (B7-1) was originally described as a human B cell-
25 associated activation antigen (Yokochi, T. et al. (1981) J. Immunol. 128:823-827; Freeman, G.J. et al. (1989) J. Immunol. 143:2714-2722), and subsequently identified as a counterreceptor for the related T cell molecules CD28 and CTLA4 (Linsley, P., et al.

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant: Robert J. Peach et al.

Serial No. 09/579,927

Filed: May 26, 2000

Title: SOLUBLE CTLA4 MUTANT MOLECULES AND USES THEREOF

Docket: 30436.57US01

Date of Mailing: March 12, 2001

Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.8.

Petition Requesting Conversion To A Provisional Application Under 37 C.F.R. §1.53(c)(2)

A check in the amount of \$50.00 to cover the filing fee.

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Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant: Robert J. Peach et al.

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PAY TO THE ORDER OF UNITED STATES PATENT AND TRADEMARK OFFICE

DATE March 12, 2001

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

May 31, 2001

Page # 4

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RECEIVED	
U.S. Patent Law	
JUN 07 2001	
Docketed Item	
Due Date	
Attorney	

DECISION ON PETITION

Robert J. Peach, et al.
Application No: 09/579,927
Filed: May 26, 2000
Attorney Docket No.: 30436.57US01/SBA/GSH

*Carrie -
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This is a decision on your petition received in the Patent and Trademark Office on August 14, 2000, treated as a petition under 37 CFR 1.53(b)(2)(ii) to convert the above identified application to a Provisional application under 35 U.S.C. 111 (b) and 37 CFR 1.53(b)(2).

The petition is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a Provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2), including the assignment of a new Provisional application number.

The Provisional application-serial number is 60/287,576.

The filing receipt for the Provisional application number will be communicated to applicant by OIPE in due course.

Angela Johnson

Angela Johnson, Program Assistant
Office of Initial Patent Examination
(703) 308-0910